



March 16, 2018

**VIA ELECTRONIC FILING**

Ms. Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

**Re: Notice of Ex Parte Communication  
Wireless Infrastructure Streamlining Report and Order, WT Docket No.  
17-79**

Dear Ms. Dortch,

On Wednesday March 14, 2018, we spoke with Commissioner Brendan Carr and his Legal Advisor Will Adams. On the call, we discussed the proposed Wireless Infrastructure Streamlining Report and Order which would exclude the deployment of small wireless facilities by private parties from review under the National Historic Preservation Act (NHPA) and National Environmental Policy Act (NEPA).<sup>1</sup> Specifically, we first applauded the Commission for its efforts to streamline the deployment of next-generation 5G wireless facilities and to remove inordinate barriers to the deployment of such services, which, as Commissioner Carr noted, “could mean the difference between those cutting-edge, 5G-enabled devices launching here in the United States or watching consumers in other countries benefit from them first.”<sup>2</sup>

Additionally, we voiced in broad terms two concerns regarding the procedures used by the Commission in laying out the Proposed Order. First, we discussed whether the Commission’s analysis contained in the proposed Order is adequate to justify excluding new structures —

---

<sup>1</sup> *In the Matter of Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, WT Docket No. 17-79, Draft Second Report and Order (March 1, 2018), [https://transition.fcc.gov/Daily\\_Releases/Daily\\_Business/2018/db0301/DOC-349528A1.pdf](https://transition.fcc.gov/Daily_Releases/Daily_Business/2018/db0301/DOC-349528A1.pdf).

<sup>2</sup> Brendan Carr, Commissioner, Fed. Comm’n Comm’n, Remarks at the Consumer Technology Association’s 5G Day (Feb. 28, 2018), [https://transition.fcc.gov/Daily\\_Releases/Daily\\_Business/2018/db0228/DOC349499A1.pdf](https://transition.fcc.gov/Daily_Releases/Daily_Business/2018/db0228/DOC349499A1.pdf).

or at least new structures on previously undisturbed ground — from NHPA review. Second, we discussed whether the process by which the Commission developed that part of the proposed amendment is adequate to fulfill the FCC’s special trust relationship with America’s tribes.

For a more detailed discussion of the concerns raised on this call, please refer to TechFreedom’s recent *ex parte* filing in this procedure.<sup>3</sup>

Pursuant to the Commission’s rules, please include this written *ex parte* in the docket for the above-referenced proceedings.

Sincerely,

/s/

Berin Szoka  
President

/s/

Graham Owens  
Legal Fellow

---

<sup>3</sup> Letter from Berin Szoka, President, TechFreedom & Graham Owens, Legal Fellow, TechFreedom to Marlene Dortch, Secretary, Fed. Comm’n Comm’n (March 15, 2018), <https://ecf-sapi.fcc.gov/file/10316303905265/Ex%20Parte%20on%20Wireless%20Infrastructure%20Streamlining%20Report%20and%20Order%203.15.18.pdf>.